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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,930	12/14/2000	Naomi Noda	WATK:205	5806

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EXAMINER	
HENDRICKSON, STUART L	
ART UNIT	PAPER NUMBER

1754

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/135930

Applicant(s)

N419

Examiner

Kendrick

Group Art Unit

115

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 11/5/05
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 12-16, 18-23 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 12-16, 18-23 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The request filed on 1/5/05 for Continued examination (RCE) based on parent Application No. 09/735930 is acceptable and has been established. An action follows.

Claims 12-16, 18-23 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iizuka et al 5968870.

Iizuka teaches in column 4 impregnating a cordierite honeycomb with alumina, then with Na, Ti and Pt. No difference in the catalyst is seen; compare to specification examples.

Concerning claim 12, the anchor substance is the Ti added with the catalyst. Concerning claim 16, the anchor substance (alumina) is 'in' the carrier because it is coated/impregnated as per specification pg. 5. Concerning claim 20, the anchor substance (again alumina) is between the carrier and the catalyst because the reference teaches adding it as a layer onto the cordierite and then adding the catalyst. No differences are seen.

Claims 12-16, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindner et al. taken with Deeba et al.

Lindner teaches in column 4-5 a carrier which can be a mixture of materials, an oxygen storage material (cerium oxide for example), a noble metal thereon and zirconium oxide. Also taught is a stabilizer such as barium oxide. Lindner does not teach an alkali metal (notwithstanding the fact that this would appear to inherently be present as an impurity, such as in the water used in the solutions of the metals).

Deeba teaches, in columns 2 and 6 for instance, an alkali metal as a promoter in a similar system as Lindner. Using an alkali metal as a promoter in the catalyst of Lindner is an obvious expedient to improve a noble metal auto exhaust catalyst. In so far as the support of Lindner is not a honeycomb, Deeba teaches this as well. Using this form of support is an obvious expedient to have a high surface area and thus high activity catalyst.

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Concerning claim 16, the anchor substance is aluminosilicates or titanates of Lindner and is 'in' the carrier since it is mixed therewith. Concerning claim 12, the 'second layer' of Lindner is also a catalyst layer and the zirconia therein is the anchor: see column 10 line 60.

Concerning claim 20, Lindner column 7 teaches the zirconium between the noble metal and the support.

Applicant's arguments filed through 1/5/05 have been fully considered but they are not persuasive.

The claims are not as narrow as is argued. One ingredient may perform several functions. The references do not need to discuss how they anticipate the present claims or solve the same problems as applicants face, as long as they teach the claimed structure. The motivation to use alkali metal does not need to be the same as the motivation applicants use. No difference, let alone a patentable one, is seen between the coating/impregnations of the present specification versus those of the references. Comments already of record also apply in answer to arguments previously made.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

A handwritten signature in black ink, appearing to read "Stu Hendrickson", is positioned above the printed name.

Stuart Hendrickson
examiner Art Unit 1754